

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 17-55891-tjt

Gerard Marti,

Chapter 7

Debtor.

Hon. Thomas J. Tucker

STIPULATION FOR ENTRY OF ORDER  
WAIVING DEBTOR'S CHAPTER 7 DISCHARGE  
UNDER 11 U.S.C. § 727(a)(10)

The United States ("U.S. Trustee") and Debtor Gerard Marti (collectively, "the Parties"), by and through their attorneys of record, hereby advise the Court that they have reached an agreement resolving and settling issues intended to be pursued by the U.S. Trustee pursuant to 28 U.S.C. § 586 and 11 U.S.C. § 727(a).

The U.S. Trustee and the Debtor, by and through their attorneys, agree that this stipulation contains acknowledgements and the terms of said acknowledgement, and respectfully request that the Court accept and approve the attached Stipulation and Order Waiving Discharge for Debtor Gerard Marti.

ACKNOWLEDGEMENTS

1. Debtor hereby acknowledges that he caused a Chapter 7 bankruptcy petition to be filed on his behalf in the United States Bankruptcy Court for the Eastern District of Michigan on November 15, 2017, and said petition was docketed as case number 17-55891.

2. Debtor acknowledges, without making any admissions, that the U.S. Trustee has chosen to initiate an action to deny his discharge, which could bar and deny the Debtor a Chapter 7 discharge under 11 U.S.C. § 727(a).

3. Debtor acknowledges his desire to resolve the matter without the need for further inquiry or litigation, and without making any admissions, he has chosen to waive his entitlement to a Chapter 7 discharge for any and all debts he incurred as of and prior to November 15, 2017.

4. Debtor acknowledges and understands the consequences of a waiver of his Chapter 7 discharge, specifically, that he will remain liable for any and all of his debts as of the date his bankruptcy petition was filed.

5. The Debtor agrees and respectfully requests this Court to enter a permanent order approving his waiver of discharge, denying his Chapter 7 discharge pursuant to 11 U.S.C. § 727(a)(10) for those debts incurred up to and including November 15, 2017.

6. The Debtor further waives all right to appeal the entry of any order approving this stipulation, and the waiver of his bankruptcy discharge. The Debtor further waives the right to review of this stipulation, or the resulting order denying discharge, under Fed. R. Civ. P. 60.

7. The Debtor and the United States Trustee each agree that the acceptance of this stipulation and waiver of discharge by the Court will resolve the

United States Trustee's contemplated adversary proceeding to deny the Debtor's discharge under 11 U.S.C. § 727(a).

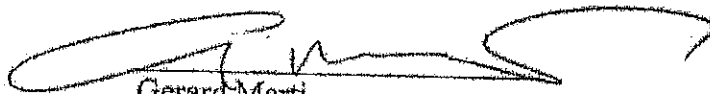
8. The Debtor further agrees that should the Court fail to approve this stipulation for any reason, the parties shall be free to litigate the merits of the U.S. Trustee's intended adversary proceeding under 11 U.S.C. § 727(a) as they see fit.

9. The Debtor acknowledges and agrees that this stipulation contains the entire agreement between the parties. The Debtor further acknowledges and agrees that the U.S. Trustee has not made and/or given any other representations, promises, inducements, or rewards, and/or given or promised to give any other consideration of any kind whatsoever to the Debtor or anyone else on his behalf not specifically mentioned in this stipulation.

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WHEREFORE, the Debtor, Gerard Marti, respectfully requests that this Stipulation and attached Order be accepted, approved, and entered as a permanent Order in this case, and the Chapter 7 discharge of his debts be waived with regard to those debts incurred by him prior to and including November 15, 2017.

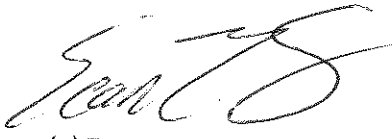
SUBMITTED BY:




Gerard Marti

Daniel M. McDermott  
UNITED STATES TRUSTEE  
Region 9

GOLDSTEIN, BERSHAD &  
FRIED, P.C.

By  /s/ Sean M. Cowley  
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Dated: April <sup>25</sup> \_\_, 2018

UNITED STATES BANKRUPTCY COURT  
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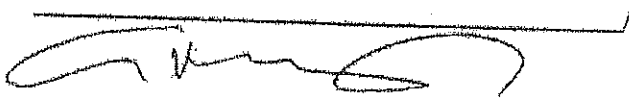
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**ORDER DENYING DISCHARGE OF DEBTOR UNDER 11 U.S.C. § 727**

**THIS MATTER** came before the Court on the present stipulation between the United States Trustee and Debtor Gerard Marti. The Court is otherwise fully advised in this matter.

**NOW, THEREFORE,**

**IT IS ORDERED** that a discharge under 11 U.S.C. § 727(a)(10) with respect to Debtor Gerard Marti is **DENIED** and shall not issue.